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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,437	12/05/2003	James M. Cleeves	MA-110	9392
7590 09/29/2005			EXAMINER	
Matrix Semiconductor, Inc.			LEWIS, MONICA	
3230 Scott Blvd Santa Clara, CA 95054			ART UNIT	PAPER NUMBER
J J, J.			2822	
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DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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1) ☐ Responsive to communication(s) filed on 27 September 2005. 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 1-59 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-59 are subject to restriction and/or election requirement.		Application No.	Applicant(s)					
Monica Levis Monica Levis Le	Office Action Comment	10/728,437	CLEEVES ET AL.					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 30/days MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Educations of earn may be available under the provision of 3 °CFR 1.73(s), in no event, however, may a reply be timely filled the period for reply secreted above the teasure of 3 °CFR 1.73(s), in no event, however, may a reply be timely filled or the period for reply secreted above, the measure addition period within the additiony minimum of thinty (30) days will be considered timely. If the period for reply secreted above, the measure addition period will pay and will explicit (50) MONTH's from the mailing date of this communication or period and the mailing date of this communication, even if every filled, may be seened platent term adjustment. See 37 °CFR 1.704(s). Status 1)⊠ Responsive to communication(s) filled on 27 September 2005. 2a) ☐ This action is FINAL. 2b)⊠ This action is non-final. 3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 °C.D. 11, 453 °O.G. 213. Disposition of Claims 4)⊠ Claim(s)si/are pending in the application. 4)② Claim(s)si/are allowed. 5)☐ Claim(s)si/are objected to. 6)☐ Claim(s)si/are objected to. 8)☑ Claim(s)si/are objected to. 9)☑ The specification is objected to by the Examiner. 10)☐ The drawing(s) filled onsi/are: a)☐ accepted or b)☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 °CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 °CFR 1.121(d). 11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)☐ Acknowledgment is made of a claim for foreign prio	Oπice Action Summary	Examiner	Art Unit					
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DETAILED ACTION

1. This restriction is in response to the application filed December 5, 2003.

Election/Restrictions

2. This application contains claims directed to the following patentably distinct species of the claimed invention:

Embodiment I (Claims 1-18), directed to a substrate having a substrate pitch and the first above substrate device formed above the substrate device level, the first above substrate device level having a first above substrate pitch, wherein the first above substrate pitch is smaller;

Embodiment II (Claims 19-23), directed to a substrate device level having a substrate pitch and a first memory level above a substrate having a first memory pitch, wherein the first memory is smaller than the substrate pitch;

Embodiment III (Claims 24-33), directed to a substrate device level having a first pitch and a first memory level over the substrate having a second pitch, wherein the second pitch is smaller than the first pitch;

Embodiment IV (Claims 34-39), directed to a first device level formed in a substrate, the first device level having a first pitch and a plurality of substantially parallel, substantially coplanar rails formed above the substrate, the first plurality of rails having a second pitch, wherein the first pitch is larger than the second pitch;

Embodiment V (Claims 40-45), a plurality of substantially parallel, substantially coplanar rails the first plurality of rails having a first pitch, a second area wherein

the second pitch is larger than the first pitch, wherein the photolithographic techniques are optimized for forming rails; and

Embodiment VI (Claims 46-59), directed to a substrate device level having a substrate critical dimension, a first above-substrate device level formed above the substrate device level, the first above-substrate device level having a first above-substrate critical dimension, wherein the first above-substrate critical dimension is smaller than the substrate critical dimension.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee under 37 CFR 1.17(i).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica Lewis whose telephone number is 571-272-1838.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 571-272-1852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular and after final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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September 27, 2005

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